

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, v. HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED, Defendant.))))))))))))))))
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Civil Action No. 05-10990-DPW

Magistrate Judge Judith G. Dein

**JOINT MOTION TO SUSPEND MOTIONS TO COMPEL
AND FOR ENTRY OF SCHEDULING ORDER**

Plaintiff, Massachusetts Institute of Technology (“MIT”) and Defendant, Harman International Industries, Inc. (“Harman”), submit this joint motion to suspend their pending motions to compel, and for entry of the schedule set forth below.

After further negotiations since these motions have been filed, the parties have reached tentative agreements as to the issues raised therein, conditioned on the deadlines set forth below. Therefore, at this time, the parties respectfully request that the pending motions to compel (Docket Entry Nos. 39 and 40) be suspended at this time.

Should the discovery exchange pursuant to the below deadlines not resolve a party’s concern raised by one of those earlier-filed motions to compel, that party will request that the Court re-activate the portions of their motions which require Court intervention, and will give written notice to opposing counsel of that request. The parties agree that any briefs in opposition to such re-activated motions will be due within 14 days after receiving written notice of the request for re-activation.

PROPOSED SCHEDULE

Harman counsel to produce the requested source code in paper form to MIT, and to grant MIT's counsel and experts ongoing access to the electronic version of the source code at Harman's local counsel's Boston offices. The parties agree to defer the issue of access to the electronic code at MIT's counsel's office, to see if MIT later requests it.	February 1, 2006
Parties to agree on schedule for all remaining depositions noticed as of the date of this filing.	February 3, 2006
Parties to exchange identification of preliminary claim terms requiring construction, and preliminary constructions for same, as well as substantive supplementations to responses to Harman's Interrogatory Nos. 1-5, and MIT's Interrogatory No. 8	February 15, 2006

Dated: January 31, 2006

Respectfully submitted,

Massachusetts Institute of Technology,

Harman International Industries, Inc.,

By its attorneys,

/s/ Steven M. Bauer

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and copies will be sent to those indicated as non-registered participants on January 31, 2006.

/s/ Steven M. Bauer